

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

V.

CR. NO. 2:06cr0071-MEF

**BERNETTA LASHAY WILLIS,
a/k/a “Nettie,” “Hot Girl,”
“Hottie,” “Hi-Girl,” “LaShay.”**

Motion for Leave to Dismiss Count 22 of the Indictment

The United States moves the Court for leave to dismiss Count 22 of the indictment in this case. In support, the United States submits the following:

1. On December 13, 2006, a grand jury sitting for this district returned a thirty-one count indictment against Defendant Bernetta LaShay Willis and three other co-defendants. Count 22 charges that on or about September 23, 2006, Willis stole \$2,000 in FEMA disaster assistance funds, which was then electronically deposited into her bank account.

2. Documents recently received pursuant to trial subpoenas from Southtrust Bank¹ suggest that when Willis made this application she provided an incorrect bank account number for her claim's electronic wire transfer. Non-Southtrust Bank documents clearly show that Willis later called FEMA and attempted to have the electronic wire transferred to her bank account number. By the time she had done so, however, the SouthTrust Bank

¹ Now d/b/a Wacovia.

documents show that FEMA had already deposited the money into an innocent third party's account.

3. Nevertheless, because Willis filed a false claim, the United States still intends to introduce evidence related to this claim as proof of the conspiracy alleged in Count 1. Because the \$2,000 alleged in Count 22 was never deposited into Willis's account, however, the United States request leave to dismiss Count 22 from the charge table found in paragraph 56 of the indictment. Additionally, the United States requests to strike the following phrases from paragraph 53 of the indictment, which related to Count 22:

FEMA accepted Willis's three separate applications and caused ~~five~~ separate United States Treasury checks, three in the amount of \$2,000 and two in the amount of \$2,358, respectively, to be mailed to her in Montgomery, Alabama. Willis received ~~all of the~~ four checks and cashed each of them. ~~The fifth was electronically transferred to her bank account at Southtrust Bank.~~

The proposed changes are incorporated in Exhibits A and B of the Government's concurrently filed Motion to Redact Indictment, DE #214.

3. Counsel for Defendant, Valarie Smedley has been contacted and advises that she would like additional time to consider her position on this issue.

Therefore, the United States respectfully requests leave to dismiss Count 22 of the indictment.

Respectfully submitted this the 24th day of March, 2006.

LEURA GARRETT CANARY
UNITED STATES ATTORNEY

/s/ Christopher Snyder
CHRISTOPHER A. SNYDER
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Valarie Smedley.

/s/ Christopher Snyder
CHRISTOPHER A. SNYDER
Assistant United States Attorney